

## TOWN OF ROSS

### RESOLUTION NO. 1654

#### A RESOLUTION OF THE ROSS TOWN COUNCIL OPPOSING THE CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE AERIAL SPRAY PROGRAM TO ERADICATE THE LIGHT BROWN APPLE MOTH

**WHEREAS**, the Light Brown Apple Moth (LBAM) is a pest subject to Federal and State quarantine and eradication orders; and

**WHEREAS**, there is a confirmed presence of Light Brown Apple Moths in Marin County; and

**WHEREAS**, the California Department of Food and Agriculture (CDFA) plans to begin an LBAM aerial spraying program in Mahn County and surrounding areas in spring of 2008; and

**WHEREAS**, modern Integrated Pest Management (IPM) relies on the least-toxic, environmentally sensitive control methods; and

**WHEREAS**, least-toxic control options are available for LBAM, including physical and cultural practices such as clean-up of plant debris where moth larvae over winter; use of natural predators, parasites, and insect diseases; introduction of sterile male moths; and use of pheromone sticky traps are available to control the Light Brown Apple Moth (LBAM); and

**WHEREAS**, aerial and other blanket pesticide applications have repeatedly been shown in the past to upset natural ecosystem balance in unpredictable and often catastrophic ways; and

**WHEREAS**, aerial and other blanket pesticide applications have repeatedly been shown in the past to cause unintended, unpredictable, and often serious human health effects; and

**WHEREAS**, the proposed materials to be used in the LBAM spraying program have not been tested for toxic health effects when used in areas of concentrated population; and

**WHEREAS**, the State has claimed an emergency exemption under the California Environmental Quality Act (CEQA) in order to begin the LBAM aerial spraying program without conducting environmental review based on an emergency exemption; and

**WHEREAS**, the State has confirmed that it will begin preparation of an Environmental Impact Report after the aerial spraying program has begun; and

**WHEREAS**, blanket spraying of chemicals is expensive and inefficient; and

**WHEREAS**, biologists have testified that aerial pesticide spraying is extremely unlikely to eradicate LBAM [see testimony of James Carey, testimony of Daniel Harder; and

**WHEREAS**, biologists have testified that the range over which LBAM has been detected in California indicates that LBAM has been established in the state for some time; and

**WHEREAS**, CDFA has stated that no physical crop damage has been attributed to LBAM; and

**WHEREAS**, the risk of economic damage alone does not justify the health and environmental risks of aerial pesticide applications; and

**WHEREAS**, the State has relied almost entirely on its own scientists to address public concerns about the LBAM spray program and has not employed independent outside experts to evaluate and support the program or address issues in a direct and impartial manner; and

**WHEREAS**, the CDFA LBAM spraying program has used pesticides that an independent toxicologist's review has stated have not been tested for long-term human toxicity; and

**WHEREAS**, the CDFA LBAM spraying program is relying on pesticides that contain ingredients that are highly toxic to aquatic life; and

**WHEREAS**, the CDFA LBAM program sprays pesticides in microscopic plastic capsules that pose unknown inhalation risks; and

**WHEREAS**, the United State Department of Agriculture (USDA) maintains that the pheromone pesticide poses only "minimal risk to human health," but acknowledges that it is considered a "slight to moderate dermal irritant" and does present some very low toxicity" [see *Treatment Program for Light Brown Apple Moth in Santa Cruz and Northern Monterey Counties, California* (September 2007) pages 10-121 ; and

**WHEREAS**, the USDA states that its risk assessment assumes that the rate of exposure will be insignificant, with no dietary exposure from food and just a minimal amount of incidental exposure from drinking water or swimming [see *Treatment Program for Light Brown Apple Moth in Santa Cruz and Northern Monterey Counties, California* (September 2007) pages 10-121] ; and

**WHEREAS**, aerial spraying disproportionately affects vulnerable populations such as those who work and play outdoors, those with the recognized disability multiple chemical sensitivity, and those in the homeless population who have no option for protection from the spray or receipt of written notification of spray dates; and

**WHEREAS**, LBAM aerial spraying in the Santa Cruz and Monterey areas resulted in the spraying of numerous residents and pets; and

**WHEREAS**, hundreds of reports of health effects were reported following the LBAM aerial spraying in Santa Cruz and Monterey counties; and

**WHEREAS**, other environmental impacts were reported following the LBAM aerial spraying in the Monterey and Santa Cruz areas; and

**WHEREAS**, the Sierra Club supports a moratorium of CDFA's proposed aerial spraying for the LBAM;

**NOW, THEREFORE, BE IT RESOLVED** that the Ross Town Council:

- 1) Opposes the CDFA aerial spray program to eradicate LBAM and supports a moratorium on all proposed aerial spray programs until complete, independent study of the potential health effects of all substances, both active and inert, have been completed;
- 2) Requests that CDFA protect the health and welfare of the residents and natural environment of Marin County by immediately shifting its LBAM control methods to least-toxic Integrated Pest Management methods such as those listed above;
- 3) Requests that CDFA shift its focus to educating the USDA regarding the lack of crop damage done by LBAM, the need to use the least-toxic control methods that do not expose populated areas to aerial spraying, and the need to appropriately downgrade the pest classification of LBAM to reflect the lack of risk it poses;
- 4) Requests that the State conduct a long-term study of the health and environmental effects resulting from the aerial spraying project that has been conducted to date in Monterey and Santa Cruz counties, taking into account reports collected by citizens in the absence of an easily accessible method of reporting to the State; and
- 5) Supports the introduction and passage of state legislation requiring explicit consent of affected residents before any aerial spraying program can be implemented.
- 6) Supports an effort by the Marin County Counsel's Office to obtain an Injunction to stop the proposed aerial spraying by CDFA.

The foregoing resolution was duly and regularly adopted by the Town Council at its regular meeting held on July 10, 2008, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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William Cahill, Mayor

**ATTEST:**

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Gary Broad, Town Manager

References

*Carey, James, PhD. 2007. Testimony Submitted in Edna Williams, et al., v. California Department of Food and Agriculture, AG. Kawamura, et. al., Case No. 07-05587, U.S. District Ct. for the Northern District of California, November 14.*

*Harder, Daniel, PhD. 2007. Testimony Submitted in County of Santa Cruz v. CDFA, Superior Court of California, Santa Cruz County. October 31.*

*Philp, Richard B. PhD. 2007. Analysis of Toxicology Studies with LBAM and Related Lepidopteran Pheromones. October.*

*Philp, Richard B. PhD. 2007. Testimony Submitted in County of Santa Cruz v. CDFR, Superior Court of California, Santa Cruz County. October 31.*

*USDA. 2007. Treatment Program for Light Brown Apple Moth in Santa Cruz and Northern Monterey Counties, California. September.*